

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

HUGH L. RILEY, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 07-4089-CV-C-SOW
	)	
LARRY CRAWFORD, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On September 10, 2007, United States Magistrate Judge William A. Knox recommended that plaintiffs' claims challenging Missouri Department of Corrections defendants' alleged failure to follow their own procedures be dismissed for failure to state a claim under 42 U.S.C. § 1983. Judge Knox further recommended that plaintiffs' motions for preliminary injunctive relief and for a protective order be denied. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

In addition, on September 10, 2007, plaintiffs Antonio Howard, Bruce Cummings, David Skaggs, Rodney Clayton, Trevin Gamble, Aaron Henderson and Charles Dorlay were ordered to show cause why their claims should not be dismissed for failure to comply with court orders, pursuant to the provisions of Fed. R. Civ. P. 41(b). As stated in M.S. v. Wermers, 557 F.2d 170, 175 (8th Cir. 1977):

A district court has power to dismiss an action for failure of the plaintiff to comply with 'any order of court.' Fed. R. Civ. P. 41(b). Such action may be taken on the court's own motion, Welsh v. Automatic Poultry Feeder Co., 439 F.2d 95, 96 (8th Cir. 1971); see Stanley v. Continental Oil Co., 536 F.2d 914, 916-17 (10th Cir. 1976), and may be exercised under the court's inherent power to control its docket, Pond v. Braniff Airways, Inc., 453 F.2d 347, 349 (5th Cir. 1972); see also Link v. Wabash R.R. Co., 370 U.S. 626, 629-33

(1962), and to protect the integrity of its orders, Fendler v. Westgate-California Corp., 527 F.2d 1168, 1170 (9th Cir. 1975). See generally 15 A.L.R. Fed. 407 (1973).

Plaintiffs have not responded to the order of September 10, 2007, even though they were warned that failure to do so may result in dismissal of their claims.

IT IS, THEREFORE, ORDERED that the claims of plaintiffs Antonio Howard, Bruce Cummings, David Skaggs, Rodney Clayton, Trevin Gamble, Aaron Henderson and Charles Dorlay are dismissed for failure to comply with court orders, pursuant to the provisions of Fed. R. Civ. P. 41(b). It is further

ORDERED that the Report and Recommendation of September 10, 2007, is adopted.

[54] It is further

ORDERED that plaintiffs' claims challenging Missouri Department of Corrections defendants' alleged failure to follow their own procedures are dismissed for failure to state a claim under 42 U.S.C. § 1983. It is further

ORDERED that plaintiffs' motions for preliminary injunctive relief and for a protective order are denied. [4, 50]

/s/Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

Dated: October 9, 2007